

Response

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Serial No.: 10/612,082

Confirmation No.: 5837

Filed: July 2, 2003

For: FOAM-TYPE VASCULAR PROSTHESIS WITH WELL-DEFINED ANGIO-PERMISSIVE OPEN POROSITY

Remarks

The Office Action mailed January 4, 2007 has been received and reviewed. No claims having been added, amended, or canceled herein, the pending claims are claims 103-112.

Reconsideration and withdrawal of the rejections are respectfully requested.

Rejection under 35 U.S.C. §102

The Examiner rejected claims 103-112 under 35 U.S.C. §102 as being anticipated by Brady et al. (U.S. Patent No. 6,177,522). This rejection is respectfully traversed.

"[F]or anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention either explicitly or impliedly." M.P.E.P. §706.02(IV) (emphasis added).

Brady et al. disclose "[p]orous and non-porous polycarbonate urethane polymers having a set of properties suitable for long term implantation within the body of a mammal" (abstract).

However, Brady et al. lack, among other things, a teaching or suggestion of a method that includes "reticulating and optionally annealing" as recited in present independent claim 103. For at least this reason, Applicants respectfully submit that method claims 103-108 are not anticipated by Brady et al.

Further, Brady et al. lack, among other things, a teaching or suggestion of a prosthesis having a reticulated surface as would be formed by the method of claim 103. For at least this reason, Applicants respectfully submit that article claims 109-112 are not anticipated by Brady et al. Moreover, Brady et al. lack any explicit or implied teaching of a "biosynthetic heart valve," a "sewing ring," or a "stent" as recited in present claims 109-111, respectively.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are respectfully requested.

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Summary

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

For any fee required in connection with this response, please charge such fee to Deposit Account No. 13-2546.

Respectfully submitted for
Zilla, et al.

April 23, 2007
Date

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